

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RAFAEL GUTIERREZ et al.,

Plaintiffs,

vs.

PINNACLE FINANCIAL CORP. et al.,

Defendants.

3:10-cv-00054-RCJ-VPC

ORDER

This case arises out of the foreclosure of Plaintiffs' mortgage. Pending before the Court are five motions: (1) Plaintiffs' Motion to Remand (ECF No. 7); (2) Plaintiffs' Motion to Stay Pending Ruling on Motion for Remand (ECF No. 8); (3) Defendants Mortgage Electronic Registration Systems, Inc.'s and Merscorp, Inc's (collectively, "MERS") Motion to Stay and for Extension of Time to Answer Pending a Decision on Transfer by the Judicial Panel on Multidistrict Litigation ("JPML") (ECF No. 6); (4) Defendant Recontrust's Motion to Dismiss (ECF No. 17); and (5) Plaintiffs' Motion to Amend Complaint (ECF No. 22).

This case has been transferred to the Hon. James A. Teilborg of the District of Arizona for pretrial proceedings as part of Multidistrict Litigation Case No. 2119. The Judicial Panel on Multidistrict Litigation has simultaneously separated and remanded all causes of action not related to the formation and operation of the MERS system, without further guidance. Judge Teilborg has

1 periodically issued orders delineating which causes of action he views to have been remanded in
2 particular cases. This Court has deferred to Judge Teilborg's orders in these matters in order to avoid
3 potentially conflicting rulings. In the present case, Judge Teilborg has not yet issued such an order,
4 and the Court therefore lacks jurisdiction to rule on any of the causes of action. Accordingly,

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the case is STAYED until it is remanded from MDL Case
7 No. 2119 in full or in part. Upon remand, Plaintiffs shall file a copy of the remand order in this Court
8 within two days, and the parties may then renew any applicable motions. This order will not be
9 interpreted as a preliminary injunction.

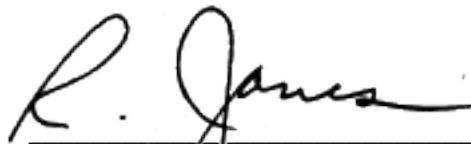
10 IT IS FURTHER ORDERED that Plaintiffs' Motion to Remand (ECF No. 7), Plaintiffs'
11 Motion to Stay Pending Ruling on Motion for Remand (ECF No. 8), Defendants Mortgage
12 Electronic Registration Systems, Inc.'s and Merscorp, Inc's (collectively, "MERS") Motion to Stay
13 and for Extension of Time to Answer Pending a Decision on Transfer by the Judicial Panel on
14 Multidistrict Litigation ("JPML") (ECF No. 6), Defendant Recontrust's Motion to Dismiss (ECF No.
15 17) and Plaintiffs' Motion to Amend Complaint (ECF No. 22) are DENIED without prejudice.

16 IT IS FURTHER ORDERED that oral argument scheduled for Tuesday, September 7, 2010
17 at 9:00 A.M. in Reno Courtroom 6 before Judge Robert C. Jones is VACATED.

18 IT IS SO ORDERED.

19 DATED: This 23rd day of August, 2010.

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ROBERT C. JONES
United States District Judge